

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION
: :
v. : No. 12-418-1
: :
ROBERT LAMAR WHITFIELD : :

ORDER

AND NOW, this 9th day of July, 2014, upon consideration of Defendant Robert Lamar Whitfield's objections to the Presentence Investigation Report (PSR) and for the reasons set forth in the accompanying Memorandum, it is ORDERED:

- Whitfield's objection to the inclusion of a two-level enhancement for obstruction of justice pursuant to U.S.S.G. § 3C1.1 (PSR ¶¶ 36 and 48) is SUSTAINED.
- Whitfield's objection to the failure to include a two-level reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a) (PSR ¶¶ 37 and 53) is OVERRULED.
- Whitfield's objection to the base offense level (PSR ¶ 43) is OVERRULED.
- Whitfield's objection to ¶ 45 of the PSR is DISMISSED as moot, the two-level upward adjustment previously reflected therein having been withdrawn.
- Whitfield's objection to the inclusion of a four-level aggravating role enhancement pursuant to U.S.S.G. § 3B1.1(a) (PSR ¶ 47) is OVERRULED.
- In light of the Court's ruling sustaining Whitfield's objection to the two-level enhancement for obstruction of justice, Whitfield's objections to the adjusted offense level in ¶ 51 of the PSR and the total offense level in ¶ 54 of the PSR are also SUSTAINED. Whitfield's adjusted offense level and total offense level shall be reduced by two levels to 36.

- With the agreement of the Government, Whitfield's objections to the characterization of his criminal history, employment record, and ability to pay in ¶¶ 65, 66, 83, and 85 of the PSR are SUSTAINED. These paragraphs of the PSR shall be modified to reflect the information in Whitfield's sentencing memorandum.

It is further ORDERED Whitfield's request for a downward departure pursuant to U.S.S.G. § 5K2.0(a)(2) and (a)(3) is DENIED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.